IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO.7753 of 2007

DATE OF DECISION: 22.05.2007

Ramdeep Singh and others ....Petitioners

Versus

State of Punjab and others ....Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR.JUSTICE L.N. MITTAL

PRESENT: Mr. Gaurav Sharma, Advocate
for the petitioners.

J.S. Khehar, J. (oral)

Through the instant writ petition, the petitioners assail the order of the Collector, Bathinda, dated 28.3.2006 (Annexure P2) and of the appellate authority i.e. the Commissioner, Faridkot Division, Faridkot, dated 27.12.2006 (Annexure P4) whereby the petitioners have been directed to deposit additional stamp duty on the purchase of land at the hands of the petitioners. A perusal of the order of the Collector dated 28.3.2006 reveals,that the objection of the petitioners, was that the land purchased by the petitioners was located across the railway lines, and that, no basic amenities were available at that place, and as such the value of the land in the vicinity could not be made applicable to the petitioners' land.

In so far as the aforesaid contention of the petitioners is

concerned, which was also pressed before us during the course of hearing, it has been clearly determined by the authorities that the land purchased by the petitioners is located on the Bathinda-Multania main road, and as such, the solitary objection raised by the petitioners before the authorities was wholly misconceived and is belied by the factual position. The aforesaid factual position asserted on behalf of the respondents, as has been noticed in the impugned order, is neither repudiated in the pleadings nor during the course of arguments. It is, therefore, not possible for us to accept the instant contention.

The sequence of facts narrated in the writ petition along with the factual position emerging from the impugned orders reveal, that the Sub Divisional Magistrate, Bathinda, made enquiries and arrived at the conclusion, that the prevailing rate of land in the area was Rs.1600-1750 per square yard whereas stamp duty has been ordered to be charged from the petitioners by accepting the rate of land as Rs.500/- per square yard. In view of the above, we find no infirmity in the impugned orders, specially on account of the fact, that the order has been passed after complying with the provisions of section 47A(2) of the Indian Stamp Act, 1899.

For the reasons recorded hereinabove, we find no merit in this petition and the same is, accordingly, dismissed.

(J.S. Khehar)
Judge

(L.N. Mittal)
Judge

May 22, 2007.
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